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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Docket No. FAA-2013-0995; Airspace Docket No. 13-ASW-30

Proposed Establishment of Class E Airspace; Truth or Consequences, NM

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at the Truth or Consequences VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), Truth or Consequences, NM, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC).

The FAA is proposing this action to enhance the safety and management of aircraft operations within the National Airspace System.

DATES: Comments must be received on or before **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-9826. You must identify FAA Docket No. FAA-2013-0995; Airspace Docket No. 13-ASW-30, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203-4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2013-0995 and Airspace Docket No. 13-ASW-30) and be submitted in triplicate to the Docket Management System (see “**ADDRESSES**” section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA-2013-0995 and Airspace Docket No. 13-ASW-30”. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be

available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the “**ADDRESSES**” section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface at the Truth or Consequences VORTAC navigation aid, Truth

or Consequences, NM. This action would contain aircraft while in IFR conditions under control of Albuquerque ARTCC by vectoring aircraft from en route airspace to terminal areas.

Class E airspace designations are published in paragraph 6006, of FAA Order 7400.9X, dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the

efficient use of airspace. This proposed regulation is within the scope of that authority as it would establish controlled airspace at the Truth or Consequences VORTAC, Truth or Consequences, NM.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71 - DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

Paragraph 6006 En Route Domestic Airspace Areas.

* * * * *

ASW NM E6 Truth or Consequences, NM [New]

Truth or Consequences VORTAC, NM

(lat. 33°16'57"N., long. 107°16'50"W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 33°38'15"N., long. 103°29'15"W.; to lat. 33°24'10"N., long. 103°41'30"W.; to lat. 33°23'00"N., long. 103°48'00"W.; to lat. 33°00'00"N., long. 103°48'00"W.; to lat. 32°28'00"N., long. 103°56'00"W.; to lat. 32°02'00"N., long. 103°48'00"W.; to lat. 31°39'00"N., long. 103°20'00"W.; to lat. 31°35'00"N., long. 103°07'00"W.; to lat. 31°17'00"N., long. 102°09'00"W.; to lat. 30°57'08"N., long. 102°58'33"W.; to lat. 30°17'54"N., long. 103°57'17"W.; to lat. 30°42'00"N., long. 105°00'00"W.; to lat. 31°45'00"N., long. 106°23'00"W.; to lat. 31°48'00"N., long. 106°32'00"W.; to lat. 31°47'00"N., long. 108°12'00"W.; to lat. 32°25'00"N., long. 108°12'00"W.; to lat. 32°25'00"N., long. 108°00'00"W.; to lat. 33°35'00"N., long. 107°28'00"W.; to lat. 33°35'00"N., long. 106°48'10"W.; to lat. 33°49'45"N., long. 106°45'20"W.; to lat. 33°49'30"N., long. 106°16'30"W.; to lat. 33°44'45"N., long. 106°04'00"W.; to lat. 34°17'00"N., long. 106°04'00"W.; to lat. 34°17'00"N., long. 105°51'00"W.; to lat. 33°58'00"N., long. 105°27'00"W.; to lat. 34°08'45"N., long. 105°09'00"W., thence to the point of beginning.

Issued in Seattle, Washington, on December 11, 2013.

Christopher Ramirez,
Acting Manager, Operations Support Group,
Western Service Center.

[4910-13]

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